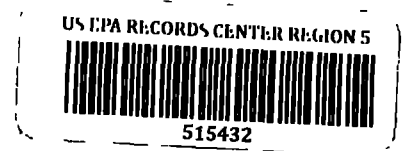




STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL



August 18, 1981

ADDRESS REPLY TO
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE (612) 296-7342

PRIVILEGED

Erica Dolgin
Hazardous Waste Section
U.S. Department of Justice
Land & Natural Resources Division
Room 1511
Washington, D.C. 20530

Re: U.S. v. Reilly Tar and Chemical
Court File No. Civ. 4-80-469

Dear Erica:

Enclosed is the Reilly Tar Log, as revised August 17, 1981. I have mailed some copies of the Log (by express mail) to Jim Pankanin, so that he will have the copies for the Task Force meeting of Thursday, August 20, 1981.

As you know, St. Louis Park has closed its No. 5 Well. The well is a Prairie du Chien-Jordan well, drilled to a depth of 465 feet, with a capacity of 1200 gpm. We will keep you advised of the situation.

Very truly yours,

DENNIS M. COYNE
Special Assistant
Attorney General

DMC/ps

Enc.

cc: (w/enc):
Francis X. Hermann
Robert Leininger
Dick Emery
Mike Kosakowski
Jim Pankanin (Express Mail)
Marc Hult
Mike Convery
Bill Miller

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ST. LOUIS PARK, MINNESOTA
Reilly Tar and Chemical

PRIVILEGED

Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	Computer	Taxonomy - final draft	RF	MC	DC	MK	ED			By letter dated 7/2/81, final draft taxonomy (w/exception of chemical section) approved. Began 8/3/81. Scheduled for early November, 1981. Federal personnel needed to assist in selection of documents for subjective coding. Scheduled for November, 1981. Federal personnel needed to assist in briefing coders.
		Objective coding(1st pass)				KS	MK	ED		
		Select doc's for subjective coding (2nd pass)	GM	MC	SS	MK	ED			
		Training of Aspen coders for subjective coding(2nd pass)			DC	KS	MK	ED		
	Compilation - Data	Compile analytic results - Water quality analyses - Soil analyses	RF	MC		JP	ED			Soil analyses compiled with exception of MRI analyses. Water analyses to be compiled by MC (MDH and SLP analyses), RF (USGS analyses), and JP (MRI analyses). To be completed by _____. Unique well numbers will be used. PCA will update the abstract of reports, as reports become final.
	- Report Abstracts		RF			JP	ED			
			RF							
	Cooperation between MPCA & MDH	Amend Cooperative Agreement to coordinate the tasks that need to be accomplished, particularly Hickok work w/Superfund funds	LR		DC					Draft addendum to the Agreement is available. Held on 8/13/81.
		Meeting of the Director and Commissioner	GM	MC						
			RF							

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Rank	Task	Comment	Co-ordinators							Action
			<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
	Documents - Production	Supplement production of documents to Reilly			KS					Contact already made w/Dorsey firm.
	- Control	Need for fed's to develop system to control (number and index) documents.			KS DC	JP	ED EH			EH designated as co-ordinator for fed's.

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			PRIVILEGED								
Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Experts	Chemist/soil scientist to establish that R.T. wastes are in the soils and groundwater.	GM		DC	MK	ED			By _____, expert to be retained. MK will will contact Lee Gjovik (U.S. Dept of Agriculture, Madison, Wisc.) who is working on study of the volatilization of wood preserving wastes.	
		Expert on in-place biological degradation	RF		DC	MK	ED			Texas A & M consultant, Kirk Brown, visited site on Friday, 7/17/81, to consult re in-place treatment of soils by biological degradation, as a remedial measure. MK to advise as to Brown's future activities. MH to take soil samples in 9/81.	
		Chemical engineer to consult on R.T. process	SR		DC	JP	ED			By letter dated 7/31/81, MK wrote to Warren Thompson who is expert in wood treating process, including waste flows and pollution control equipment. He is also expert on migration of pollutants through soils. MK to advise as to status of Thompson.	
		Pollution control expert to advise what was state-of-the-art pollution control equipment.	SR		DC	MK	ED				
		Geologist	RF	MC	DC SS	MK	ED			Need to retain "crusty geologist. _____, expert to be retained.	
		Epidemiologist - expert - follow-up study		AD	SS	MK RE	ED			By _____, expert to be retained, if needed. Consider possible follow-up epid. study. Joe Wagner, consultant to EPA, will review previous studies. Dr. Schumann and/or Dr. Betty Anderson are also possible epi experts. MK coordinating w/Charlotte Kottrill of EPA's epi Div.	
		Toxicologist		DG	SS	RE MK	ED			MK will advise on status of toxicologist. J. William Lloyd of OSHA is expert on PAH's.	

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PRIVILEGED

Page Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Funding Needs	<u>Analyses</u>									
		- Soils	LR	MC		JP MK	ED			PCA, MDH, EPA and USGS need to project funding needs to continue analyses of soils and water quality. USGS has not developed proposal for sampling its monitoring network. USGS will take soil samples at R.T. site and in area south of Walker/north of Hwy 7. By _____, rep's of the agencies will advise as to funding needs. (Some analyses may be done by GCA Corp.)	
		- Water Quality	LR	MC		JP MK	ED				
		- Background levels in soils and water (Mississippi and Minnehaha)	LR	MC		JP	ED			Funds are needed to establish background levels and the degree of removal by conventional waste-water treatment. PCA has proposal (8/7/81) for monitoring River, Creek & Metro plant. MDH has proposal (6/1/81) to do study of finished water. By _____, LR will advise on funding needs. (Analyses may be done by GCA Corp.)	
		- Removal by conventional wastewater treatment (MWCC plant)	LR	MC		JP MK	ED				
		<u>USGS</u>				JP MK				Need to assure FY '82 funding of USGS. By _____, MH to advise of funds needed to continue USGS efforts and to continue sampling programs.	
		<u>Well Abandonment</u>	LR	MC		JP MK	ED			Task III of Superfund program will pay for survey of wells. MC to advise of funds needed to abandon wells, once the survey is done.	
										<u>NOTE:</u> All Agencies should project costs so that funding needs can be met.	

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PRIVILEGED

Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	Graphics	R.T. site - map of bldgs. and facilities	RF		DC	JP MK	ED			Initial map completed.
		Locations of wells/ water samples	RF		DC	JP MK	ED			By ___, locate wells on map. By ___, identify locations where water samples were taken.
		Location of soil borings	RF		DC	JP MK	ED			By ___, identify locations where soil samples were taken.
		Contaminant plumes	RF		DC	JP MK	ED			By ___, prepare graphics showing the extent of the contaminant plumes.
		USGS materials - slides and mylars	RF		DC	JP MK	ED			Duplicate prints and slides made.
		Hickok materials	RF		DC	JP MK	ED			Maps with well locations provided.

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Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	<u>Hickok Study to develop remedial program</u>	<u>Work Reports:</u>								
		Contaminant levels	LR RF	MC	SS DC	MK JP	ED			Comments to Hickok.
		PCA review/comment								
		Other review/comment								
		Gradient wells	LR RF	MC	SS DC	MK JP	ED			On July 29, MDH/PCA/USGS met with Hickok. Need to expand report to include additional remedial measures.
		PCA review/comment								
		Other review/comment								
		Computer model	LR RF	MC	SS DC	MK JP	ED			<u>NOTE:</u> EPA needs to review Hickok reports, particularly the standards for discharge and selection of remedial measures.
		Soil treatment	LR RF	MC	SS DC	MK JP	ED			(See reference to Kirk Brown in <u>Expert</u> section.)
		Water treatment	LR RF	MC	SS DC	MK JP	ED			See MC's memo of 6/1/81.
		Amended Schedule for Submission of Work Reports	LR RF	MC	SS DC	MK JP	ED ED			On 7/30/81, Hickok submitted a revised schedule. Need to further refine schedule.

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PRIVILEGED

Rank	Task	Comment	Co-ordinators							Action
			<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
	Hickok Study, cont'd	Report prepared for St. Louis Park (water supply and treatment)	RF	MC						Completed.
		Amend Hickok contract to do <u>Superfund tasks</u>	LR RF	MC	SS					By _____, meet with Hickok to begin negotiations for \$200M portion of Superfund contract for Task I: on-site well abandonment and Task II: well survey. Most of the specs for the well survey (Task II) have been drafted by MDH. MDH has drafted specs for well abandonment (Task I).

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Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	Investigations	<u>Other Pollution Sources</u>								
		D and A Lubricants	RF SL MK		DC	JP	ED			Analytic results by USGS lab have been reviewed. No indication that D and A used cleaning solvents.
		Sources identified by Reilly	RF DJ TC DT		DC	JP	ED			Color-Ad is a possible source. Schedule to accomplish task by 10/19/81.
		Sources (possible) in vicinity of Hopkins No. 3	RF DJ TC DT		DC	JP	ED			Schedule to accomplish task by 10/19/81. RF will advise which sites appear to be sources. JP will follow-up with \$ 3007 requests for info. to all the (possible) pollution sources which have been identified.

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Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Lab work	<u>Chemical analyses:</u>									
		MDH - Need results of approx. 36 samples: 6 taken in 2/81 and others taken in 6/80 and 7/80.	GM RF JA	DG GE MC	DC SS	JP	ED			MDH will provide remaining analyses (about 15) by end of August. Samples at Red Owl, National/Applebaums and Edina municipal wells collected on 8/12/81. MDH will provide analyses by _____.	
		MRI/ EPA Need results of approx. 55 water and 8 soil samples taken in 2/81	RF	MC	DC SS	JP	ED			MRI has provided analyses of soil samples collected on 11/24/80. Analyses of water and soil samples collected in February '81 will be available by 8/21.	
		USGS	RF	MC	DC SS	JP	ED			USGS provided lab results in 6/81. Now need to interpret lab results and incorporate in the Overall Evaluation Report.	
		Other labs	RF	MC	DC SS	MK JP	ED			On 7/31/81, MK advised that EPA has current contract with lab which can do analyses of samples submitted by end September '81. MC, RF and DC spoke to MK on 8/14/81. Priorities appear to be soil profiles (100 to 150 samples); water and sludge samples from River, Creek and Metro STP (75 samples); finished water samples (35 samples.) Also want to sample USGS monitoring system of the Drift/Platteville.	

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Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Lab cont'd	<u>Samples at Polar Locker</u>									
		- Safe keeping	RF DT	MC							Soil samples should be kept and safekeeping assured. Inventory completed. RF to review inventory and make recommendations by 8/29. Submit report to Hickok for recommendation whether soil samples should be analyzed.
		- Analyses	RF	MC							
		(1) Barr samples collected in 1975									
		(2) USGS samples collected between 1979 and 1981									
		<u>Finished water samples</u>									
		- Iron Treatment	RF	MC	SS	JP MK	ED				MDH will consider analysis of finished water samples as part of the ongoing municipal sampling program. MDH will confer with SLP. Program may be expanded to include Hopkins. MK advised that fed. resources are available to do analyses. Possible assistance from EPA/FIT contractor in collecting analyses.
		- Study of water distribution system	RF	MC	DC	MK RE	ED				(See reference to possible follow-up epidemiological investigation on page 2.)
		<u>QA/QC</u>	RF	MC	SS DC	JP MK	ED				Establish QA/QC between labs by comparing analytic results by USGS, MDH and MRI. MK reported that Curtis Ross of EPA's Chicago lab (Central Regional Lab) can do QA/QC. _____ to follow-up with MK.
		<u>Additional parameters to be analyzed</u>	RF	DG MC	SS DC	JP MK	ED				Need to decide whether additional parameters will be analyzed. Need to confer w/EPA. By ____, PCA and MDH to meet.

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Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	Litigation: Pleadings Orders Stip's	State's Amended Complaint (Superfund Counts)								Filed 5/27/81.
		U.S. Memo in Opposition to Reilly Motion to Dismiss								Filed 6/12/81.
		Minn. Memo in Opposition to Reilly Motion to Dismiss, with MDH Affidavit								Filed 6/15/81.
		Hopkins Intervention granted by Court Order								Filed 6/15/81.
		Stipulation of Counsel (Reilly to plead to State's Amended Complaint. State court parties to file Interrogatories with fed. court.								Filed 7/15/81.
		EPA authorization to DOJ to amended Complaint			SS	RE	ED			RE to advise on status of Authorization given.
		Demand letter to Reilly			SS	RE	ED			Mailed on 8/17/81.
		U.S. Amended Complaint (Superfund Counts)				RE	ED			To be filed by _____.
		Reilly memo in support of Motion to Dismiss								To be filed by 8/19.
		U.S. and Minn. Memos in Opposition to Motion to Dismiss			SS DC	RE	ED			To be filed by 9/9/81.
		Argument of Reilly's Motion to Dismiss			SS DC	RE	ED			Scheduled to be heard on on 9/16/81.

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PRIVILEGED

Rank	Task	Comment	Co-ordinators							Action
			<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
	Litigation: Depositions	Neighbors who saw the dumping on northern end of Reilly site			DC BMc	RE	ED			Contact witness for date and telephone more neighbors in effort to locate additional on northern edge of Reilly site. Schedule deposition(s) for Thursday, 9/17/81.
		<u>Reilly Tar Employees</u>								
		- Past Employees	SR		DC SS BMc	RE	ED			Defer until objective coding is completed and then Finch deposition will be scheduled.
		- Current Employees								
		<u>St. Louis Park Officials and Employees</u>								
		- Past Officials and Employees			DC SS	RE	ED			No intent to schedule depositions.
		- Current Officials and Employees								
		<u>PCA Employees</u>								
		- Past Employees			DC SS	RE	ED			Unknown whether Reilly will schedule depositions of PCA/MDH employees.
		- Current Employees								
		<u>MDH Employees</u>								
		- Past Employees			DC SS	RE	ED			Unknown whether Reilly will schedule depositions of PCA/MDH employees.
		- Current Employees								

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Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Litigation: - Interrog's	R.T.'s Answers			DC SS					R.T. to file by 7/20/81 (or after Reilly's Amended Motion to Dismiss). Answers will be immediately provided to U.S.	
		Fed. Interrogatories			DC SS	RL	ED			EPA to file Interrog's by _____. On 7/14/81, draft Interrog's circulated. RE to research auth. in support of financial ques.	
	- Admissions	Request for admissions will be drafted. Request Answers to State's Interrog's.	RF SR		DC SS	RE	ED FH			Awaiting Reilly Answers to Minn. Interrogatories.	
	- Magistrate or Special Master				DC SS	RE	ED FH			Defer decision until after 9/19/91 argument of Reilly Motion to Dismiss.	
	- Other land-owners	Identification of other landowners as potential below Walker St. and above Lake St.)			DC SS	RL RE	ED			Minn. to delineate the swamp area as it existed over the years. Then fed's will identify landowners of the swamp/low-lying areas.	

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Rank	Task	Comment	Co-ordinators							Action
			<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
	Photos	<p>Photographic analysis - obtain copies of the report and enlarge for court use</p> <p>Aerial photos held by SLP</p> <p>Organize and annotate photo collection</p>				DC	RL	ED		<p>EPA (Chicago) to advise how copies can be obtained and photos enlarged.</p> <p>Inventory photos held by SLP</p> <p>No date set for organizing the photo collection.</p>
	R.T. Process	Report prepared by MP&A staff	SR	MC	DC	MK JP	ED			<p>Second draft distributed on 7/14/81. Request made that EPA read and comment on report.</p>

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			PRIVILEGED							
Rank	Task	Comment	Co-ordinators							Action
	Superfund	<u>RCRA Reallocation/Superfund Funds:</u>	<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
		Investigation and preparation of plans and specs for W 23 Well and Sugar Beet Well on Reilly site (Task I)	RF	MC	SS	JB	ED			\$200 thousand portion of RCRA funding made available. These funds to be allocated to do Tasks I and II. Supplemental Superfund funding \$200 thousand) is expected by end of August, 1981, to accomplish to Task III. (Met in D.C. w/Superfund staff, Paul Beam ((202) 382-2339) and Lucy Sibold ((202) 382-2448), on 7/31/81).
		Well survey (Task II)	RF	MC	SS	JB	ED			(Paul Bitter is now Chicago contact for Superfund, having taken Jack Braun's place.)
		Water treatment (No. 15) (Task III)	RF	MC	SS	JB	ED			
		<u>Emergency Action Plan -</u> Coordinate with USGS on water treatment and disposal for a Drift pump-out well	RF	MC	DC	JB	ED			By 10/1/81, the FIT contractor (Rod Bloese of Ecology and Environment) to have plans and specs for well(s) location, construction and water treatment. Need to interface this activity w/USGS pump test of Drift Well. (See USGS pump test on p. 9
		<u>Section 103(c)</u> notification			DC	JP	ED			By _____, EPA to advise whether Reilly has filed its notification.
										<u>NOTE:</u> Superfund activities must be co-ordinated with federal attorneys.

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Rank	Task	Comment	Co-ordinators							Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop	
	USGS	<u>Reports:</u>								
		<u>Preliminary Evaluation of Groundwater Contamination By Coal Tar Derivatives</u>	RF	MC						December, 1980 (final)
		<u>Overall Evaluation Report (summarizes 2 years of USGS Study)</u>	RF	MC						August, 1981 (review copy)
		<u>Progress Report for nine months (Oct., 1980-June, 1981)</u>	RF	MC						By 8/1/81, progress report (final report due in 1982)
		- Computer Transport Model	RF	MC						
		<u>Multi-aquifer well report</u>	RF	MC						Summer of 1981 (report written and now in review)
		<u>Microbial Action Report</u>	RF	MC						No date set (manuscript written and about to be submitted for publication)
		<u>Well for pump test of the Drift</u>	RF	MC	DC	JB	ED			USGS needs to coordinate w/FIT contractor on the Emergency Action Plan . (See p. 14.)

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Rank	Task	Comment	Co-ordinators								Action
			PCA	MDH	AG	EPA	DOJ	SLP	Hop		
	Water Supply	Letter(s) to SLP (and other municipalities)	RF	DG GE MC		JP	ED			MDH letter of 6/18/81 to St. Louis Park. (MDH likely to send general conservation letter to Edina and to Hopkins.)	
		Assessment of municipal needs and contingency plans	RF	DG GE MC		JP	ED			6/26/81 reply by SLP to MDH letter of 6/18/81. MDH to write follow-up letter to SLP. NOTE: SLP No. 5 (West of Reilly site) closed 8/17/81.	
		Summer pumping of SLP Well Nos. 4, 7 and 9	RF	DG GE MC		RE JP				St. Louis Park has not notified of summer pumping of SLP Well Nos. 4, 7 and 9.	
		Inventory of wells (withdrawing from PdC) which may provide water supply to food processors in the vicinity of Hopkins Well No. 3.	RF	MC		JP				MDH to inventory wells and confer w/MN Dept. of Agriculture by 7/10/81.	
		Inventory of Wells (withdrawing from PdC) which discharge to:									
		- Minnehaha Creek (including Red Owl and Methodist Hosp:)	RF RC	MC	DC	JP				PCA task force to review matter, including NPDES permits issued to Red Owl and Methodist Hospital.	
		- Municipal sewers	RF RC	MC							
		Participation by R.T. in SLP water supply matters		DG MC	SS	MK	ED			(Possible analyses by GCA Corp.)	

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Rank	Task	Comment	Co-ordinators							Action
			<u>PCA</u>	<u>MDH</u>	<u>AG</u>	<u>EPA</u>	<u>DOJ</u>	<u>SLP</u>	<u>Hop</u>	
	Wells	MDH Well abandonment program	RF	MC	DC SS		ED			By _____, MDH to report progress made and project future activities. Superfund to pay for survey. Need funds for abandonment.
		Investigation of R.T. wells and pumps	RF	JN	DC		ED			
	Witnesses	Contact witnesses to R.T. operations and organize interview notes			DC BMc SS					Ongoing activity.
	Working Committee	Committee of State agencies, local governments and others interested in extent of pollution and development remedial programs			SS DC	JP	ED			Edina invited to join working committee. (Mpls. may be invited on the basis that it may provide water supply and that industrial wells withdraw from Prairie du Chien-Jordan.) Fed's to attend meetings. JP and ED will be advised of meeting dates and sent minutes of meetings.

RECEIVED

AUG 21 1981

ENFORCEMENT DIVISION
EPA-REGION V